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| APPLICATION NO.                                                                                              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/781,030                                                                                                   | 02/17/2004  | Rainer Schneider     | 5497-67414-01       | 2830             |
| 24197 7590 08/19/2008<br>KLARQUIST SPARKMAN, LLP<br>121 SW SALMON STREET<br>SUITE 1600<br>PORTLAND, OR 97204 |             |                      |                     |                  |
| EXAMINER                                                                                                     |             |                      |                     |                  |
| LEWIS, RALPH A                                                                                               |             |                      |                     |                  |
| ART UNIT                                                                                                     |             | PAPER NUMBER         |                     |                  |
| 3732                                                                                                         |             |                      |                     |                  |
| MAIL DATE                                                                                                    |             | DELIVERY MODE        |                     |                  |
| 08/19/2008                                                                                                   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/781,030

**Applicant(s)**

SCHNEIDER, RAINER

**Examiner**

Ralph A. Lewis

**Art Unit**

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29, 31-33, 35-37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31-33, 35-37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Objection to the Claims**

Claim 13 is objected to under 37 CFR 1.75(i) which requires each element or step of the claimed invention to be separated by a line indentation.

Claims 8, 20, 28 and 40-42 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as his/her invention

In claims 8, 20 and 28, lines 4 and 5, the phrase "second power transmission line is said supply conduit" should apparently be "in said supply conduit."

In claims 40, 41 and 42 it is unclear how the claimed "first portions" and the "second portions" of the first and second electrical leads relate to the previously claimed first and second end structures already set forth for the electrical leads. It appears applicant has identified the same end structures by two different names. The identified elements of a device must be reasonably related to one another so as to present a device capable of performing the claimed functions.

### **Rejections based on 35 U.S.C. 112, first paragraph**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8-12, 20-24, 28 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In applicant's second embodiment, illustrated in Figures 4A and 4B the "movable" adapter leads 16A and 17A somehow move between "position 1" of Fig. 4A and "position 2" of Fig. 4B "via an operating element, preferably a switch (not shown), in order to produce different lead routings" (description page 5, lines 31-34). This description and accompanying illustrations of the second embodiment do not reasonably enable one of ordinary skill in the art to make or use this embodiment of the invention. It is unclear how a "switch" can simply move the electrical leads 16A and 17A from one side of the adapter to the other. Some sort of undisclosed mechanical arrangement is necessary. In response to the present rejection regarding the nonenablement of the second embodiment, applicant argues that the specification need not show what is known in the art and that the Ross patent 4,204,243 teaches that such a switching arrangement is shown in the double pole double throw polarity reversing switch 24 which is operated by sliding actuator 26. It is unclear to this examiner how a sliding actuator 26 which slides elements 26a and 26b which slides between contacts 24a-24f similar to the Ross invention could possibly be incorporated into the Figure 4A/4B embodiment. Applicant's disclosure of the second embodiment is insufficient in reasonably enabling the ordinarily skilled artisan to make and use the invention.

Applicant's remarks regarding the relative movement of the adapter with respect to the supply line as it relates to applicant's first embodiment are found persuasive and the first paragraph rejection of claims directed to this first embodiment feature is withdrawn.

### **Rejections based on Prior Art**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-12 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross (US 4,204,243).

Ross discloses in Figures 5 and 6 an adapter 50 having a body 110 with a first edge (upper surface in Figure 6). The adapter includes a first electrical lead 76g and a second electrical lead 76h which are electrically connected at 71 to a supply conduit and at 73 to an instrument. The first 76g and second 76h electrical leads are movable with respect to the supply conduit to change the polarity output to an instrument connected at 73. The ends of the first and second leads 76g and 76h are longitudinally spaced at different lengths from the first edge of the adapter body (the longitudinal direction running from the top surface to the bottom surface).

Claims 1-7 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Banner (US 3,626,354).

In Figure 3 Banner discloses an adapter having a body 1' with a first edge (circular end from which contacts 4, 5 and 6 extend). The adapter includes a first lead which extends from contact 4 to contact 11 and a second lead which extends from 5 to contact 10. The adapter may be used to switch polarities by removing and rotating 180 degrees the adapter with respect to a supply conduit as in Figure 6. The end 11 of the lead 4/11 extends a greater longitudinal distance from the first edge than the end of the lead 5/10.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 17, 20-25, 28, 29, 35-37 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otuska (US 6,638,063) in view of Ross (US 4,204,243)

Otuska discloses in Figure1 a conventional dental light curing device having a plug 4 that is connected to a typical power supply line. Occasionally power supply lines may be wired backwards and it is desirable to provide for an adapter that reverses the polarity of the power supply line in order to protect the equipment to which it is attached

as taught by Ross. To have merely used a Ross adapter to reverse the polarity of a power source wired backwards in order to protect the Otuska device and ensure its proper operation would have been obvious to one of ordinary skill in the art.

Claims 13-19, 25-27, 31-37 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otuska (US 6,638,063) in view of Banner (US 3,626,354).

Otuska discloses in Figure1 a conventional dental light curing device having a plug 4 that is connected to a typical power supply line. Occasionally power supply lines may be wired backwards and it is desirable to provide for an adapter that reverses the polarity of the power supply line in order to protect the equipment to which it is attached as taught by Banner. To have merely used a Banner adapter to reverse the polarity of a power source wired backwards in order to protect the Otuska device and ensure its proper operation would have been obvious to one of ordinary skill in the art.

#### **Action Made Final**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R.Lewis  
August 18, 2008

/Ralph A. Lewis/

Primary Examiner, Art Unit 3732